

REMARKS

In the Office Action of a requirement for Restriction/Election mailed August 19, 2008, the application was characterized as containing the following groups of inventions:

Group I – Claims 1-28, 37, 39 and 40 – drawn to a technical feature of a composition comprising a purified peptide of SARS coronavirus S protein.
Group II – Claims 29 and 38 – drawn to a technical feature of a method of identifying a peptide composition capable of inhibiting a SARS coronavirus.

Group III – Claims 30-36 – drawn to a technical feature of a method of treating a SARS coronavirus infection using S peptides.

In response, Applicants hereby traverse and make the following provisional elections. Applicants elect the invention described as Group I, compositions. The Office Action also indicated a requirement for election of a single species by election of one SEQ ID NO. Applicants hereby elect SEQ ID NO:67, an HR-C peptide analog. Applicants also hereby identify the claims readable on the invention according to the elections herewith. The claims so readable include claims 1-6, 9-10, 14-15, 19-22, 24-25, and 37; along with claims as amended herewith including claims 8, 11, 13, 16-18, 23, 26, 28, 40; and new claims 41-44.

Applicants respectfully traverse the requirement for election among groups and for election of species in part based upon the following grounds. Applicants point out that many of the allegedly distinct peptides do share a common activity, namely the capability to disrupt a viral protein ability to adopt or maintain a fusion competent conformation, thereby inhibiting infectivity or spread of a virus. Applicants request reconsideration and withdrawal of the requirement of restriction among allegedly distinct groups and/or the requirement for election of species. Nonetheless, Applicants have canceled certain claims in order to expedite prosecution in the event the restriction requirement is made final and not modified.

Amendments to the Claims

The claims are amended herewith. New claims 41-44 are added, and certain previously pending claims are amended to clarify that the subject matter includes such directed to that of peptides in connection with SEQ ID NO:67. Support can be found, e.g., in Figure 22 and in the specification at paragraph [0171]. No new matter is added.

Applicants reserve the right during prosecution on the merits to address, if necessary, any characterization of any references which were discussed in the Office action in the context of PCT Rule 13.1 and PCT Rule 13.2 regarding the contribution of any special technical feature.

Applicants reserve the right to pursue, without prejudice, any subject matter including any claim(s) as originally filed and/or otherwise set forth or described in this present application and/or in an earlier or other application(s) such as a priority application(s). No new matter is added. Applicants respectfully request entry of this Amendment.

This response is accompanied by a petition for extension of time. If fees are not submitted via the EFS-Web system, please deduct the appropriate amount due under 37 CFR 1.17(a)(2), believed to be \$245 for extension of time of two months for a small entity, from Deposit Account No. 07-1969. It is believed that no additional claims fees are due as any new claims or change in the total number of claims is offset by the canceling of claims herewith and in light of claims fees previously paid. If this is incorrect, please charge any fees required including any extensions of time required, and credit/refund any overpayment to Deposit Account No. 07-1969.

Respectfully submitted,

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